

Appl. No. : 10,042,128  
Filed : January 7, 2002

### REMARKS

Claims 1-32 and 34 are pending in this application. Claims 1, 4, 5, 9, 14, 20, 22, 27, and 31 have been amended. New Claim 34 has been added. Support for the amendments is found in the specification and claims as filed.

#### Interview

Applicants thank Examiner Sorkin for the courteous and helpful interview conducted with Applicants' representatives, Drew Hamilton and James Herkenhoff, on March 17, 2003. Examiner Sorkin agreed that the proposed claims discussed in the interview include limitations that overcome art cited in the parent case, specifically U.S. 5,209,852 to Sunaoka et al. and US 5,639,373 to Mahendran et al. The pending claims have been amended accordingly, and now recite limitations directed to gas pressurization and distribution of aeration holes relative to the membranes. Examiner Sorkin has stated that he will further compare the claims to those of the parent case and U.S. 6,156,200 upon filing of these claims.

#### Response to Restriction Requirement

A Restriction Requirement has been imposed in this application. In connection therewith, the Examiner asserts that the application claims the following inventions: Claims 1-32, drawn to a membrane module and methods of cleaning, classified in class 210, subclass 636 (Group I); and claim 33, drawn to a method of molding, classified in class 264, subclass 41 (Group II). Applicants hereby elect, without prejudice, the invention of Group I, including Claims 1-32, drawn to a membrane module and methods of cleaning, and cancel without prejudice Claim 33 as drawn to a non-elected invention.

#### Drawings

Applicants note that the entry of Fig. 16, filed April 8, 2002, is approved, but that a formal copy with uniform line thickness will be required upon any allowance.

#### Suggestions

It has been suggested that applicant improve the clarity of the claims by making certain amendments to pending Claims 1, 4, 5, 14, 20, 30, and 31. The suggested amendments have been made.

#### Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-7, 9-17, and 19-32 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 5,209,852 (hereinafter "Sunaoka et al."). "A rejection for anticipation under section 102

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requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." See, e.g., *In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994). Sunaoka et al. does not disclose every element of Applicants' currently pending claims 1-7, 9-17, and 19-32, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

Amended independent Claims 1, 9, and 27 recite a "header connected to a source of pressurized gas". Amended independent Claim 22 recites a "potting head is connected to a source of pressurized gas". Sunaoka et al. discloses a filter column in which a source of pressurized gas opens into a lower compartment of the filter column where gas is collected. In the lower compartment, a bubble distribution mechanism consisting of an air distributor panel and bubble distributor tubes positioned under the skirts of the hollow fiber membrane modules distribute bubbles to the membrane modules. In this arrangement, bubbles are allowed to rise up under their own buoyancy through the membrane modules. The header itself is not connected to a source of pressurized gas.

Sunaoka et al. therefore does not disclose a header (or potting head) connected to a source of pressurized gas, and thus cannot anticipate Claims 1-7, 9-17, and 19-32. Accordingly, Applicants respectfully request that the anticipation rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 8 and 18 have been rejected under 35 U.S.C. §103(a) as obvious over Sunaoka et al. To articulate a *prima facie* case of obviousness under 35 U.S.C. §103(a), the PTO must, *inter alia*, cite prior art that teaches or suggests all the claimed limitations. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). Sunaoka et al. does not disclose every element of Applicants' claims, and therefore cannot be considered as a reference that renders obvious Applicants' claims.

As discussed above, Claims 1 and 9, from which Claim 8 and 18 depend, respectively, recite a header connected to a source of pressurized gas. Sunaoka et al. neither discloses nor suggests a header connected to a source of pressurized gas. Accordingly, Applicants respectfully request that the obviousness rejection be withdrawn.

**Obviousness-Type Double Patenting Rejection**

Claims 1-26, 31, and 32 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,156,200. The Applicants herewith submit a terminal disclaimer to overcome this rejection.

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**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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Dated: 3/26/03

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